

**Date Posted: May 18, 2013**

**CITY OF EAST PROVIDENCE**

**RHODE ISLAND**

**DOCKET OF REGULAR COUNCIL MEETING**

**May 21, 2013**

**Council Chambers, City Hall, 145 Taunton Avenue, East Providence,  
RI 02914**

**7:00PM Executive Session - Claims Room, 101**

**7:30 P.M. Open Session**

## **I. EXECUTIVE SESSION**

**The City Council of the City of East Providence will meet in Executive Session pursuant to RI General Laws § 42-46-5 (a) (2)**

### **A. New Claims**

- 1. Tori Blomstedt**
- 2. Cheryl Curti**
- 3. Wayne Flodin**
- 4. Jameson Kauch**

## **II. CALL TO ORDER**

## **III. SALUTE TO THE FLAG**

#### **IV. TO APPROVE THE CONSENT CALENDAR**

**All items under “CONSENT CALENDAR” are considered to be of a routine and noncontroversial nature by the City Council and will be enacted by one motion. There will be no separate discussion on these items unless a Council member so requests, in which event, the item will be removed from the “CONSENT CALENDAR” and will be considered in its normal sequence on the docket.**

##### **A. Letters Received**

- 1. Town of Exeter Resolution opposing House Bill 5953 and Senate Bill 815 relating to Agriculture and Forestry, Renewable Energy Facilities.**
- 2. Coastal Resources Management Council May 2013 Calendar.**
- 3. Coastal Resources Management Council Administrative Procedures Act proposed changes 980 Experimental Coastal Erosion Control.**
- 4. Coastal Resources Management Council Administrative Procedures Act proposed changes Maps of Water Use Categories, Revise Water Type Designations for Town of Bristol.**
- 5. Coastal Resources Management Council Public Notice Coastal Zone Management Act, Ocean Special Area Management Plan Chapter 8 and 11 proposed changes.**
- 6. Town of North Smithfield Resolution requesting the State to allow the use of bus monitors at the discretions of the cities and towns.**

**7. Town of North Kingstown Resolution in opposition to H5953 and S815 relating to Agriculture and Forestry Renewable Energy.**

**8. South Kingstown Resolution in support of H 5935 and S 836 Acts Relating to Public Utilities and Carriers-Municipal Streetlight Investment Act.**

**9. Charlestown Resolution in opposition to H 5953 and S 815 regulating the placement of renewable energy facilities on farmlands.**

#### **B. Alcoholic Beverage Class F**

**1. The Charlie Viveros Memorial Fundraiser, 2nd Annual Bike Run, June 23, 2013 Brightridge Club (02914), Elizabete Costa, 14 Larch St (02914)**

**2. Brazilian Feast, June 8, 2013, Our Lady of Loreto Church, 346 Waterman Avenue (02914), Erika Alves, 44 Job Street (02904)**

#### **C. Council Journals**

**1. Regular Meeting April 16, 2013**

**2. Regular Meeting May 7, 2013**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

#### **V. PUBLIC COMMENT**

#### **VI. PROCLAMATIONS AND PRESENTATIONS**

**A. Secretary of State Civic Leadership Award Recipients (by Assistant Mayor Rose)**

**Linsey Covington**

**Steven Rego**

**B. MRT 95 Years in Business in East Providence by Assistant Mayor Rose**

**C. EP LED by Erick Denault**

**D. RIDOT presentation: Newman Avenue Bridge Project**

## **VII. APPOINTMENTS**

**A. East Providence Public Library Trustees Re-Appointment (by Assistant Mayor Rose)**

**Margaret Marcotte, 14 Rice Avenue (02914)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **VIII. LICENSES NOT REQUIRING PUBLIC HEARING**

**Licenses are granted subject to all required approvals from State and City departments.**

**A. Carnival**

**Edward Browning, 577 Rocky Hill Road, North Scituate (02857), location 700 Bullocks Point Avenue, Crescent Park Carousel.**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**B. Second Hand Autos & Trucks - Transfer**

**From Nissan of East Providence, Inc. to Tasca Automotive Group East, Inc., 845 Taunton Avenue (02914), Robert Tasca, 26 Hi View Drive, Hope, RI (02831)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**C. Second Hand Autos & Trucks - Transfer**

**From Nissan of East Providence, Inc. to Tasca Automotive Group East, Inc., 854 Taunton Avenue (02914), Robert Tasca, 26 Hi View Drive, Hope, RI (02831)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**IX. NEW BUSINESS**

**A.City Managers Report (by City Manager Peter Graczykowski)**

- 1. Department Activity Report**
- 2. State Income Tax Refund Offset Program Update**

**B.Reports of Other City Officials**

## **1. Claims Committee Report (by City Solicitor Timothy Chapman)**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

### **C. Council Members**

- 1. Loyalty and Devotion to the City (by Assistant Mayor Rose)**

### **D. Resolutions**

- 1. RESOLUTION IN SUPPORT OF H5935 AND S0836 RELATING TO PUBLIC UTILITIES AND CARRIERS MUNICIPAL STREETLIGHT INVESTMENT ACT**

**WHEREAS, the City Council of the City of East Providence agrees with the findings and purposes as contained in Section 1 of H5935 and S0836; and**

**WHEREAS, taxpayers are mandated to pay the electric distribution company large sums every year to light municipal and many state-owned streets; and**

**WHEREAS, the City Council of the City of East Providence is in favor of reducing municipal street lighting costs and improving service to its citizens by (1) improving public safety with street lights that provide better illumination, (2) reducing maintenance costs by allowing municipalities to own the street and area lighting within their borders and to enter into regional maintenance service contracts, and (3) reduce whole-system cost through municipal ownership, regional**

**management and eliminating the current “facilities charge”.**

**NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence supports H5935 and S0836 and hereby requests that the Rhode Island General Assembly enact both bills into law and that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives and the Senators and Representatives from the City of East Providence.**

**Requested by: City Manager**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **2. RESOLUTION TO ELIMINATE STRAIGHT PARTY VOTE – MASTER LEVER**

**WHEREAS, Rhode Island converted to an up-to-date optical election system a decade ago but retained the straight party vote option; and**

**WHEREAS, retention of the straight party vote option results in confusion at the polls and under-votes for candidates in nonpartisan elections; and**

**WHEREAS, in contrast to the previous voting machines, voters cancel out their straight party votes in multi-seat elections by making any mark on the ballot in that race which may result in them not voting for their intended candidates without realizing it; and**

**WHEREAS, Rhode Island needs to join its neighboring states in the Northeast in modernizing its voting practices by eliminating the**

**straight party vote option; and**

**WHEREAS, legislation has been introduced in the General Assembly, Senate Bill 2013-S0044 and House Bill 2013-H5072, to delete the option of single party (master lever) voting by means of a single mark in non-primary elections; and**

**WHEREAS, Rhode Island needs to correct the technical problems with the OCR ballot and the straight party option by eliminating the straight party option on its election ballots and require voting for candidates not parties.**

**NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of East Providence supports the repeal of the straight party vote option on the ballot in future elections and requests that the City Clerk send a copy of this resolution to the Speaker of the Rhode Island House of Representatives and the President of the Rhode Island Senate.**

**Requested by: Councilwoman Capobianco**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

### **3. RESOLUTION IN SUPPORT OF 2013-H6059 RELATING TO MUNICIPAL ROAD AND BRIDGE REVOLVING FUND**

**WHEREAS, Rhode Islanders deserve access to safe and reliable roads and bridges; and**

**WHEREAS, transportation plays a critical role in enabling economic activity throughout the state of Rhode Island; and**

**WHEREAS, immediate attention is necessary to establish a long term**



**and sustainable solution to repair and improve Rhode Island's infrastructure; and**

**WHEREAS, failure to act now could potentially endanger the safety of our citizens and hinder economic growth throughout the state; and**

**WHEREAS, cities and towns would gain access to lower costs of borrowing for road and bridge projects through cooperation with the state of Rhode Island and Rhode Island Clean Water Finance Agency; and**

**WHEREAS, if signed into law, this legislation would create a substantial amount of savings for cities and towns while using the Municipal Road and Bridge Revolving Fund to rebuild and advance their transportation infrastructure; and**

**WHEREAS, savings from the program would be further invested into transportation infrastructure.**

**NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of East Providence supports 2013-H6059 relating to Municipal Road and Bridge Revolving Fund and hereby requests that the Rhode Island General Assembly enact the bill into law and that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives and the Senators and Representatives from the City of East Providence.**

**Requested By: City Manager**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

#### **4. RULES OF PROCEDURE OF THE CITY COUNCIL**

**(Amendment to Resolution No. 15 - Adopted January 18, 2011)**

**BE IT RESOLVED, that the following Rules be and they are hereby adopted as the Rules of the City Council of the City of East Providence.**

##### **Rule One. Duties of the Presiding Officer**

**a. The Mayor shall be the presiding officer at all meetings of the City Council. The Assistant Mayor shall preside in the absence of the Mayor.**

**b. The presiding officer shall preserve order and decorum at all meetings of the City Council. In the interest of preserving order and decorum, the presiding officer may in his/her discretion limit the remarks of a citizen or his/her attorney to a period of not more than five (5) minutes on any matter, and may also limit the remarks by the public to a period of not more than one (1) hour on any matter.**

**c. The presiding officer may speak in preference to any other member of the City Council and shall, subject to the restrictions imposed by subsection (d) of Rule One, decide all questions of order.**

**d. Any member of the City Council may appeal from the ruling of the presiding officer or the parliamentarian by moving that the presiding officer's ruling or ruling of the parliamentarian be referred to the members of the City Council who are present. In the event that such motion is seconded, the presiding officer shall immediately, without**

**debate, put the following motion before the body for consideration: “Shall the rule of the chair be sustained?” which question shall be decided by a majority vote of the members present.**

**e. The presiding officer shall propound all questions and motions in the order in which they are moved, unless the subsequent motion is previous in nature, as set forth in Rule Five, Section (e).**

## **Rule Two. Order of Business**

**a. A majority of all of the members of the City Council shall constitute a quorum for the conducting of business. A smaller number than a majority may adjourn from time to time until a quorum shall be present. Notice to be given in accordance with the provisions of the City Charter in Article II, Section 8.**

**b. The order of business of each City Council meeting shall be as follows:**

**I. Call to order**

**II. Invocation**

**III. Salute to the flag**

**IV. Consent Calendar**

**V. Proclamations & Presentations**

**VI. Public Comment. All persons wishing to make public comment shall sign a public comment sheet stating their name, address, and the subject of their comments. Said comments should pertain to topics listed on the published Council docket. Said public comment sheet shall be available on a desk at the entrance of the City Hall Chambers no later than forty-five (45) minutes before the call to order of any regularly scheduled council meeting and shall be delivered by**

**the City Clerk to the presiding officer no earlier than five (5) minutes before the call to order of the meeting.**

**VII. Appointments. All Council appointments will appear on the docket under the heading Appointments listing the appointment being made, the name and address of the candidate, and the Council member nominating the candidate. City Council members will submit the information to the City Clerk no later than Thursday preceding the Council meeting.**

**VIII. Licenses (Requiring Public Hearing and Non-Public Hearings)**

**IX. Public Hearings**

**X. Continued Business**

**XI. New Business**

**a. City Manager's Report**

**b. Reports of Other City Officials**

**c. Council Members**

**d. Report of School Committee Liaison**

**e. Resolutions. All resolutions will appear on the docket with the name of the Resolution's sponsor after having been referred to the Law Department for review.**

**f. Introduction of Ordinances. All ordinances shall appear on the docket after having been referred to the Law Department for review.**

**g. Communications. Any person who submits a communication to the Council and wishes to speak on it must indicate this in writing. A person who lists more than one topic on their communication will be allowed to speak on the first one listed.**

**c. At any special meeting called of the City Council, the meeting shall**

be restricted to the business of the special meeting and no other business shall be considered without the unanimous approval of the City Council.

d. Council members shall submit items for discussion purposes no later than 4:00 p.m. the Thursday prior to the next regularly scheduled Council meeting. The docket for all regular meetings shall be prepared and delivered to the residence of each Council member at least 72 hours prior to said meeting. Any petition requiring a hearing shall be referred to the proper City department for a written report prior to being placed on the docket for discussion or hearing. Copies of all said petitions shall immediately be forwarded to the City Council. No matter may be considered at any meeting that is not specifically on the docket (including votes) without the unanimous consent of the City Council. No petition for rezoning may be withdrawn at any meeting to which it has been assigned for hearing unless such petition is withdrawn at least 72 hours prior to such meeting. The docket will contain a plain language explanation for all ordinances.

### **Rule Three. Decorum and Debate**

a. When a motion is under debate, the chair shall receive no other motions except as set forth in Rule Five, Section (f).

b. Any member desiring to speak shall address the presiding officer and, after his right to speak has been recognized, he shall not be interrupted while speaking except by a call to order or for the correction of a mistake or to yield to another member. He shall confine his remarks to the question under debate and shall avoid

**personalities. No member shall speak more than once on the same question until all other members desiring to speak thereon shall have done so, and in no event shall any member speak more than twice on any question without the permission of the majority of the members of the City Council. There shall be no conversation among the members while a roll call is being taken, while any paper is being read, or while a question is being stated by the presiding officer.**

**c. A roll call vote shall be taken as required by the Charter of the City of East Providence, the ordinances of the City, or at the request of any Council member.**

**d. After a roll call vote has been ordered, said roll call shall not be interrupted, delayed or stopped by the presiding officer or any member of the Council for any reason whatsoever including points of order, personal privileges or for a member to explain his vote. All roll calls shall be taken alphabetically except for the presiding officer who shall vote last.**

**e. A motion shall be carried by the affirmative vote of a majority of the Council members voting on the motion and the presiding officer shall declare the passage or defeat of any motion. In the case of a tie, the motion shall be defeated.**

**f. When a vote has been passed, it shall be in order for any members voting with the majority to move or second the reconsideration thereof not later than the next regular meeting and, when a motion to reconsider has been decided, that vote shall not be reconsidered.**

#### **Rule Four. Consent Docket**

**a. When the City Manager determines that any item of business**

requires action by the Council but is of a routine and non-controversial nature, (s)he may cause such item to be presented at a regular meeting of the Council as part of the Consent Calendar.

b. The Consent Calendar shall be introduced by a motion “to approve the Consent Calendar” and shall be considered by the Council as a single item.

c. There shall be no debate or discussion by any member of the Council regarding any item on the Consent Calendar beyond asking questions for simple clarification.

d. All items on the Consent Calendar which require public hearings shall be open for hearing simultaneously and the Mayor shall announce or direct the City Clerk to announce the titles of all such items.

e. On objection by any member of the Council to inclusion of any item on the Consent Calendar, that item shall be removed from the Consent Calendar forthwith. Such objection may be recorded at any time prior to the taking of a vote on the motion to approve the Consent Calendar. All such items shall be considered individually in the order in which they were objected to immediately following consideration of the Consent Calendar.

f. Approval of the motion to approve the Consent Calendar shall be fully equivalent to approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon exactly as if each has been acted upon individually.

#### **Rule Five. Miscellaneous Provisions**

a. The City Clerk shall prepare a docket of the business to be

conducted at each meeting of the City Council which shall be delivered to each council member's residence not less than 72 hours before the meeting of the City Council. No ordinance, resolution, petition, order or matter of business shall be considered unless notice of the same shall have been given previously in accordance with these rules. Any additional public hearings concerning a zone change and/or subdivision will require the written consent of a majority of the City Council.

b. Any reports or communications from any department head, City Manager or otherwise, shall be in writing and copy supplied to each Council member with the docket.

c. Regular meetings of the City Council shall be held on the first and third Tuesday of each month at 7:30 p.m. in the City Council chamber in City Hall or at such other place as may be designated by a majority of the Council except in the months of July and August when there shall be only one meeting per month on the Tuesday designated by a majority of the City Council. Amended December 1, 1988 (See Council Journal) amended November 13, 1989 (See Council Journal).

d. All meetings of the City Council shall be open to the public and all votes shall be cast in public.

e. A special meeting of the City Council may be called in accordance with the provisions of Article II, Section 7 of the City Charter at the request of the Mayor or upon written request of three (3) members of the City Council, said request addressed to the City Clerk. No business shall be considered at said special meeting other than that as set forth in the call of the meeting without the unanimous consent



**of the City Council.**

**f. The order of precedence of motions shall be as follows:**

- 1. Fix the time in which to adjourn**
- 2. Adjourn**
- 3. Recess**
- 4. Raise a question of privilege**
- 5. Lay on the table**
- 6. Suspension of the rules**
- 7. Previous question**
- 8. Limit debate**
- 9. Postpone to a certain time**
- 10. Refer to committee or other official**
- 11. Amend**
- 12. Postpone indefinitely**
- 13. Main motion**

**The above list shall be the order in which motions may be considered. When any motion is pending before the City Council, any motion before that said motion on this list shall take precedence and be acted upon first and those following shall be out of order.**

**g. The following motions shall not be debatable:**

- 1. Adjourn**
- 2. Recess**
- 3. Raise question of privilege**
- 4. Lay on the table**
- 5. Suspension of the rules**
- 6. Previous question**

## **7. Limit debate**

- h. These rules shall not be altered, amended, suspended or repealed at any time except by an affirmative vote of four-fifths (4/5) of the entire City Council unless docketed 72 hours prior to meeting.**
- i. Roberts Rules of Parliamentary Procedure shall prevail in the absence of any specific rule as set forth herein.**
- j. The City Solicitor is designated as parliamentarian for the purpose of interpreting these rules of procedure.**
- k. In the event that any section of these rules shall be in conflict with the City Charter or ordinances of the City of East Providence, then such rule shall fail, however, those rules which are not in conflict shall remain in full force and effect.**
- l. Any member of the public who requests to speak on any docket item that is not part of the Public Hearing section or specifically on the docket will be allowed to speak if approved by unanimous consent of the Council.**

**Requested By: Councilwoman Capobianco**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**5. A resolution regarding tax exempt status for the Boys and Girls Club of East Providence, Inc.**

**WHEREAS, the Boys' and Girls' Club of East Providence, Inc. of East Providence, Rhode Island incorporated on November 23, 1935 is a**

**Charitable Non-Profit Corporation whose mission is to inspire and enable all young people to realize their full potential as productive, responsible and caring citizens; and**

**WHEREAS, the Boys' and Girls' Club of East Providence, Inc. provides homework assistance, affordable child care, sports, arts, and daily family needs; and**

**WHEREAS, Boys' and Girls' Club of East Providence, Inc. is the POSITIVE Place For Kids administering educational, health and life skills, including character and leadership development for children in the community of East Providence; and**

**WHEREAS, other charitable organizations already benefit from legislation exempting all of their Rhode Island property from taxation.**

**NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the following proposed legislation allowing the Boys' and Girls' Club of East Providence, Inc. a permanent exemption from taxation.**

**To be enacted by the General Assembly as follows:**

**SECTION 1. The Boys' and Girls' Club of East Providence, Inc., a Rhode Island Charitable Non-Profit Corporation shall be entitled to acquire, take, receive and hold by purchase, sale, gift, lease, devise, bequest or otherwise, real and personal estate of every kind and description without limitation on the total amount thereof, for religious, charitable or educational purposes, communication and communication technology and to use, manage, operate, improve, and apply same for the aforementioned purposes. The said corporation and all of their said real and personal estate including**

registration of motor vehicles shall be exempt from all taxes imposed by the state and by any political subdivision thereof, which said exemption shall apply to all taxes imposed by law upon real and personal estate.

**SECTION 2.** This act shall take effect as of December 31, 2012.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and the Senators and Representatives from the City of East Providence.

**Requested By:** Councilman Cunha

**Motion**\_\_\_**By**\_\_\_**2nd**\_\_\_

**Capobianco**\_\_\_**Cunha**\_\_\_**Rossi**\_\_\_**Rose**\_\_\_**Briden**\_\_\_

**6.** A resolution regarding tax exempt status of the Columbus Club of East Providence, 3200 Pawtucket Avenue.

**WHEREAS,** the Columbus Club of East Providence of 3200 Pawtucket Avenue, East Providence, Rhode Island, and organized on February 8, 1940, is a Charitable Non-Profit Corporation that provides for charities for the East Providence Knights of Columbus, and is located in and owns property in the City of East Providence; and

**WHEREAS,** the Columbus Club of East Providence is presently being assessed taxes by the City of East Providence; and

**WHEREAS, the Columbus Club of East Providence has no income and has its budget entirely funded by membership club dues; and  
NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the following proposed legislation allowing the Columbus Club of East Providence a permanent exemption from taxation.**

**To be enacted by the General Assembly as follows:**

**SECTION 1. The Columbus Club of East Providence, a Rhode Island Charitable Non-Profit Corporation shall be entitled to acquire, take, receive and hold by purchase, sale, gift, lease, devise, bequest or otherwise, real and personal estate of every kind and description without limitation on the total amount thereof, for religious, charitable or educational purposes, communication and communication technology and to use, manage, operate, improve, and apply same for the aforementioned purposes. The said corporation and all of their said real and personal estate including registration of motor vehicles shall be exempt from all taxes imposed by the state and by any political subdivision thereof, which said exemption shall apply to all taxes imposed by law upon real and personal estate.**

**SECTION 2. This act shall take effect as of December 31, 2012.**

**NOW, THEREFORE, BE IT FURTHER RESOLVED that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and the Senators and Representatives from the City**

of East Providence.

Requested By: Assistant Mayor Rose

Motion\_\_\_By\_\_\_2nd\_\_\_

Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_

**7. A resolution regarding tax exempt status for the Columbus Club of Barrington 3 Viola Avenue, Riverside.**

**WHEREAS, the Columbus Club of Barrington of 3 Viola Avenue, Riverside, Rhode Island, and incorporated on February 15, 1955, is a Charitable Non-Profit Corporation that provides for charities for the East Providence Knights of Columbus, and is located in and owns property in the City of East Providence; and**

**WHEREAS, the Columbus Club of Barrington is presently being assessed taxes by the City of East Providence; and**

**WHEREAS, the Columbus Club of Barrington has no income and has its budget entirely funded by membership club dues; and**

**NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the following proposed legislation allowing the Columbus Club of Barrington a permanent exemption from taxation.**

**To be enacted by the General Assembly as follows:**

**SECTION 1. The Columbus Club of Barrington, a Rhode Island Charitable Non-Profit Corporation shall be entitled to acquire, take, receive and hold by purchase, sale, gift, lease, devise, bequest or otherwise, real and personal estate of every kind and description without limitation on the total amount thereof, for religious, charitable**

or educational purposes, communication and communication technology and to use, manage, operate, improve, and apply same for the aforementioned purposes. The said corporation and all of their said real and personal estate including registration of motor vehicles shall be exempt from all taxes imposed by the state and by any political subdivision thereof, which said exemption shall apply to all taxes imposed by law upon real and personal estate.

**SECTION 2.** This act shall take effect as of December 31, 2012.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and the Senators and Representatives from the City of East Providence.

**Requested By:** Assistant Mayor Rose

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**8. Resolution regarding tax-exempt status for East Bay Community Action Program (EBCAP).**

**WHEREAS,** East Bay Community Action Program (EBCAP), a Domestic Non-Profit Corporation that provides for charities in the East Providence community and is located in and owns property in the City of East Providence, Rhode Island; and

**WHEREAS, EBCAP provides a wide array of health and human services to the residents of East Providence which include Head Start Services and Early Head Start, family health and dental services including East Bay Smiles and the Molar Express, family development case management services, food pantries, youth programs, East Bay Coalition for the Homeless, Heating and Energy Services, as well as many other programs; and**

**WHEREAS, the mission of EBCAP is to provide high quality, comprehensive and accessible human health services to assist people to achieve their fullest potential; and**

**WHEREAS, the vision of EBCAP is to be recognized as the premier health and human services agency in the East Bay, including the City of East Providence; and**

**WHEREAS, other charitable organizations already benefit from legislation exempting all of their Rhode Island property from taxation.**

**NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the following proposed legislation allowing the East Bay Community Action Program a permanent exemption from taxation.**

**To be enacted by the General Assembly as follows:**

**SECTION 1. The East Bay Community Action Program, a Domestic Non-Profit Corporation shall be entitled to acquire, take, receive and hold by purchase, sale, gift, lease, devise, bequest or otherwise, real and personal estate of every kind and description without limitation on the total amount thereof, for religious, charitable or educational purposes, communication and communication technology and to**



use, manage, operate, improve, and apply same for the aforementioned purposes. The said corporation and all of their said real and personal estate including registration of motor vehicles shall be exempt from all taxes imposed by the state and by any political subdivision thereof, which said exemption shall apply to all taxes imposed by law upon real and personal estate.

**SECTION 2.** This act shall take effect as of December 31, 2012.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and the Senators and Representatives from the City of East Providence.

**Requested By:** Assistant Mayor Rose

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**9. Resolution regarding tax exempt status for the Lodge 2337 BPO Elks.**

**WHEREAS,** Lodge 2337 BPO Elks of 60 Berkley Street, East Providence, Rhode Island, an organization that provides for charities for the Benevolent and Protective Order of Elks of the USA, and is located in and owns property in the City of East Providence; and

**WHEREAS,** the Elks inculcate the principles of Charity, Justice,

**Brotherly Love, and Fidelity to promote the welfare of its community;  
and**

**WHEREAS, the Elks serve the people and community of East Providence through benevolent programs, demonstrating they care and share; and**

**WHEREAS, the Elks support their membership through donations and club dues, and**

**NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the following proposed legislation allowing Lodge 2337 BPO Elks a permanent exemption from taxation.**

**To be enacted by the General Assembly as follows:**

**SECTION 1. Lodge 2337 BPO Elks shall be entitled to acquire, take, receive and hold by purchase, sale, gift, lease, devise, bequest or otherwise, real and personal estate of every kind and description without limitation on the total amount thereof, for religious, charitable or educational purposes, communication and communication technology and to use, manage, operate, improve, and apply same for the aforementioned purposes. The said corporation and all of their said real and personal estate including registration of motor vehicles shall be exempt from all taxes imposed by the state and by any political subdivision thereof, which said exemption shall apply to all taxes imposed by law upon real and personal estate.**

**SECTION 2. This act shall take effect as of December 31, 2012.**

**NOW, THEREFORE, BE IT FURTHER RESOLVED that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island,**

**the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and the Senators and Representatives from the City of East Providence.**

**Requested By: Councilman Cunha**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**10. A resolution regarding tax exempt status for the Rhode Island Philharmonic Orchestra & Music School.**

**WHEREAS, the City of East Providence is proud of the fact that the Rhode Island Philharmonic Orchestra & Music School is located within the City; and**

**WHEREAS, the Rhode Island Philharmonic Orchestra & Music School has been the leader in promoting the arts in Rhode Island and in fact throughout the United States; and**

**WHEREAS, the Rhode Island Philharmonic Orchestra & Music School serves approximately 1500 children, youth and adults every week with lessons, classes, ensembles and community partnership programs; and**

**WHEREAS, the Rhode Island Philharmonic Orchestra & Music School has many dedicated and award winning teachers, conductors, and coaches who teach all kinds of music within our neighborhood; and**

**WHEREAS, the Rhode Island Philharmonic Orchestra & Music School**

is presently being assessed taxes by the City of East Providence; and WHEREAS, other charitable organizations already benefit from legislation exempting all of their Rhode Island property from taxation. NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the following proposed legislation allowing the Rhode Island Philharmonic Orchestra & Music School permanent exemption from taxation.

To be enacted by the General Assembly as follows:

**SECTION 1.** The Rhode Island Philharmonic Orchestra & Music School shall be entitled to acquire, take, receive and hold by purchase, sale, gift, lease, devise, bequest or otherwise, real and personal estate of every kind and description without limitation on the total amount thereof, for religious, charitable or educational purposes, communication and communication technology and to use, manage, operate, improve, and apply same for the aforementioned purposes. The said corporation and all of their said real and personal estate including registration of motor vehicles shall be exempt from all taxes imposed by the state and by any political subdivision thereof, which said exemption shall apply to all taxes imposed by law upon real and personal estate.

**SECTION 2.** This act shall take effect as of December 31, 2012.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of

**Representatives, and the Senators and Representatives from the City of East Providence.**

**Requested By: Assistant Mayor Rose**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**11. A resolution regarding tax exempt status for Self Help, Inc.**

**WHEREAS, Self Help, Inc., a Domestic Non-profit Corporation provides for charities and is located in and owns property in the City of East Providence; and**

**WHEREAS, for years, Self Help, Inc. has administered health and human services to the citizens of East Providence by providing family health and dental services, basic human needs, food pantries, youth programs, and additional services as needed; and**

**WHEREAS, the mission of Self Help, Inc. has been to provide high quality, comprehensive and accessible health and human services to assist people to achieve their fullest potential; and**

**WHEREAS, other charitable organizations already benefit from legislation exempting all of their Rhode Island property from taxation.**

**NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the following proposed legislation allowing Self Help, Inc. a permanent exemption from taxation.**

**To be enacted by the General Assembly as follows:**

**SECTION 1. Self Help, Inc., a Rhode Island Domestic Non-Profit Corporation shall be entitled to acquire, take, receive and hold by purchase, sale, gift, lease, devise, bequest or otherwise, real and**

personal estate of every kind and description without limitation on the total amount thereof, for religious, charitable or educational purposes, communication and communication technology and to use, manage, operate, improve, and apply same for the aforementioned purposes. The said corporation and all of their said real and personal estate including registration of motor vehicles shall be exempt from all taxes imposed by the state and by any political subdivision thereof, which said exemption shall apply to all taxes imposed by law upon real and personal estate.

**SECTION 2.** This act shall take effect as of December 31, 2012.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and the Senators and Representatives from the City of East Providence.

**Requested By:** Assistant Mayor Rose

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**12. A resolution regarding tax exempt status for St. Andrews Lodge No. 39.**

**WHEREAS, St. Andrews Lodge No. 39 of 18 Turner Avenue, East Providence, Rhode Island, a Charitable Organization that provides for charities for the Rhode Island Freemasons and is located in and owns**

**property in the City of East Providence; and**

**WHEREAS, St. Andrews Lodge No. 39 affords an opportunity for service to mankind, including living a life consistent with being a helpful citizen, neighbor and friend; and**

**WHEREAS, St. Andrews Lodge No. 39 actively engages in the community of East Providence through the spirit of helpfulness to its fellow-man; and**

**WHEREAS, St. Andrews Lodge No. 39 is presently being assessed taxes by the City of East Providence; and**

**WHEREAS, St. Andrews Lodge No. 39 supports itself with donations and membership club dues.**

**NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the following proposed legislation allowing St. Andrews Lodge No. 39 a permanent exemption from taxation.**

**To be enacted by the General Assembly as follows:**

**SECTION 1. St. Andrews Lodge No. 39, a Rhode Island Charitable Organization shall be entitled to acquire, take, receive and hold by purchase, sale, gift, lease, devise, bequest or otherwise, real and personal estate of every kind and description without limitation on the total amount thereof, for religious, charitable or educational purposes, communication and communication technology and to use, manage, operate, improve, and apply same for the aforementioned purposes. The said corporation and all of their said real and personal estate including registration of motor vehicles shall be exempt from all taxes imposed by the state and by any political subdivision thereof, which said exemption shall apply to all taxes**

**imposed by law upon real and personal estate.**

**SECTION 2. This act shall take effect as of December 31, 2012.**

**NOW, THEREFORE, BE IT FURTHER RESOLVED that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and the Senators and Representatives from the City of East Providence.**

**Requested By: Assistant Mayor Rose**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**13. A resolution regarding tax exempt status of the Trustees of Methodist Health and Welfare Service a/k/a United Methodist Elder Care.**

**WHEREAS, Trustees of Methodist Health and Welfare Service a/k/a United Methodist Elder Care, a religious and charitable non-profit corporation, is an agency of the New England Conference of the United Methodist Church; and**

**WHEREAS, for decades, Trustees of Methodist Health and Welfare Service a/k/a United Methodist Elder Care has served the citizens of East Providence by providing independent living, assisted living, and skilled nursing services to low and moderate income seniors in the community; and**

**WHEREAS, the mission of Trustees of Methodist Health and Welfare**



**Service a/k/a United Methodist Elder Care is to build and nurture communities where older persons live in comfort, dignity, and with purpose; and**

**WHEREAS, legislation was passed in 1956 and again in 1982 exempting up to \$10 million of Trustees of Methodist Health and Welfare Service a/k/a United Methodist Elder Care's property from taxation; and**

**WHEREAS, other religious and charitable organizations already benefit from legislation exempting all of their Rhode Island property from taxation.**

**NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the following proposed legislation allowing Trustees of Methodist Health and Welfare Service a/k/a United Methodist Elder Care permanent exemption from taxation:**

**To be enacted by the General Assembly as follows (to supersede 1982 H7394):**

**SECTION 1. Trustees of Methodist Health and Welfare Service a/k/a United Methodist Elder Care a Rhode Island non-profit corporation, and its non-profit corporation subsidiaries and affiliates shall be entitled to acquire, take, receive and hold by purchase, sale, gift, lease, devise, bequest or otherwise, real and personal estate of every kind and description without limitation on the total amount thereof, for religious, charitable or educational purposes, and to use, manage, operate, improve, and apply same for the aforementioned purposes. The said corporations and all of their said real and personal estate shall be exempt from all taxes imposed by the state and by any**

**political subdivision thereof; which said exemption shall apply to all taxes imposed by law upon real and personal estate.**

**SECTION 2. This act shall take effect as of December 31, 2012.**

**NOW, THEREFORE, BE IT FURTHER RESOLVED that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and the Senators and Representatives from the City of East Providence**

**Requested By: Councilman Cunha**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**14. A resolution regarding tax exempt status of the Zion Gospel Temple, Inc. (Zion).**

**WHEREAS, Zion Gospel Temple, Inc. (Zion) is a Religious Non-Profit Corporation which owns property at 90 Leonard Avenue, East Providence, Rhode Island as well as other real property in the City of East Providence; and**

**WHEREAS, the purposes for which Zion is organized are to operate for religious, charitable and distinct ecclesiastical purposes; and**

**WHEREAS, the first floor of the property owned by Zion at 90 Leonard Avenue, East Providence, Rhode Island is operated for religious, charitable and distinct ecclesiastical purposes; and**

**WHEREAS, the first floor of 90 Leonard Avenue is presently being**

**assessed taxes by the City of East Providence; and**

**WHEREAS, Zion is desirous of the City of East Providence exempting the first floor of 90 Leonard Avenue from taxation; and**

**WHEREAS, other religious and charitable organizations already benefit from legislation exempting their property from taxation.**

**NOW, THEREFORE, BE IT RESOLVED that the East Providence City Council hereby supports the following proposed legislation allowing Zion Gospel Temple, Inc. a permanent exemption for the first floor of 90 Leonard Avenue from taxation.**

**To be enacted by the General Assembly as follows:**

**SECTION 1. Zion Gospel Temple, Inc., a Religious Non-Profit Corporation shall be entitled to acquire, take, receive and hold by purchase, sale, gift, lease, devise, bequest or otherwise, real and personal estate of every kind and description without limitation on the total amount thereof, for religious, charitable or educational purposes, communication and communication technology and to use, manage, operate, improve, and apply same for the aforementioned purposes as to the first floor of 90 Leonard Avenue, East Providence, Rhode Island only.**

**SECTION 2. This act shall take effect as of December 31, 2012.**

**NOW, THEREFORE, BE IT FURTHER RESOLVED that the East Providence City Council hereby requests that the City Clerk send a copy of this Resolution to the Governor of the State of Rhode Island, the Lieutenant Governor of the State of Rhode Island, the President of the Rhode Island Senate, the Speaker of the Rhode Island House of Representatives, and the Senators and Representatives from the City**

of East Providence.

Requested By: Councilman Cunha

Motion\_\_\_By\_\_\_2nd\_\_\_

Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_

#### **E. Introduction of Ordinances**

**1. ADOPTING AN AMENDED EAST PROVIDENCE WATERFRONT SPECIAL DEVELOPMENT DISTRICT TAX INCREMENT FINANCING PLAN (THE “AMENDED PROJECT PLAN”) AND AUTHORIZING THE ISSUANCE OF BONDS TO FINANCE CERTAIN PUBLIC INFRASTRUCTURE AND PUBLIC IMPROVEMENTS NECESSARY IN CONNECTION WITH THE KETTLE POINT PROJECT**

**WHEREAS, by Ordinance No. 516 adopted October 5, 2010 and October 19, 2010 (the “2010 Redevelopment Ordinance”), the City Council adopted and approved the East Providence Waterfront Special Development District Plan (the “Redevelopment Plan”) and designated the area within the City described in the Redevelopment Plan as the East Providence Waterfront Special Development District as a redevelopment area (the "Redevelopment Area") pursuant to chapters 31-33 of title 45 of the Rhode Island General Laws, the Redevelopment Act of 1956 (the "Redevelopment Act"); and**

**WHEREAS, it is the purpose and intent of the City Council to facilitate redevelopment of the Redevelopment Area to accommodate the City’s redevelopment initiatives; and**

**WHEREAS, pursuant to the Redevelopment Act and chapter 33.2 of title 45 of the Rhode Island General Laws (the "Tax Increment**

**Financing Act") the City desires to raise funds for such redevelopment by the issuance of tax increment financing bonds of the City or other bonds secured by a tax increment pledge ("TIF Bonds"); and**

**WHEREAS, the Tax Increment Financing Act requires as conditions precedent to the creation of a tax increment, that the City Council adopt a redevelopment plan and a project plan, including the designation of a tax increment area and the calculation of the tax increment to be derived from taxes levied on real and personal property situated in or otherwise assignable for purposes of property taxation in the tax increment area; and**

**WHEREAS, the City Council is required by the Redevelopment Act to make certain findings, determinations and declarations in connection with the adoption of a redevelopment plan and a project plan; and**

**WHEREAS, pursuant to the 2010 Redevelopment Ordinance the City Council approved the East Providence Special Waterfront Development District Tax Increment Financing (TIF) Project Plan (the "Project Plan") which designates several Special Development Sub-districts, including the Kettle Point Special Development Sub-district (the "Project Area"); and**

**WHEREAS, C&B Kettle Point, LLC ("C& B") is the designated developer of certain land located in the Kettle Point Special Development Sub-district and C&B anticipates that it will develop a residential project in the Kettle Point Special Development Sub-district and incur capital expenditures of approximately \$80,000,000 for such development (the "Kettle Point Project"); and**

**WHEREAS the East Providence Waterfront Special Development District Commission (the “Waterfront Commission”) has recommended that the City Council approve Amendment No. 1 to the Project Plan dated May 7, 2013 which amends the Project Plan consistent with improvements contemplated by C& B for the Project Area;**

**WHEREAS, pursuant to the Tax Increment Financing Act, the City shall designate a portion of the tax increment resulting from the Kettle Point Project for the benefit of certain projects described in the Redevelopment Plan and the Project Plan, including the infrastructure and public improvements contemplated by the Kettle Point Project (the “TIF Projects”); and**

**WHEREAS, the City wishes to provide authorization, subject to Section 8 hereof, for the issuance of special obligation bonds and/or bond anticipation notes pursuant to the Tax Increment Financing Act in an aggregate amount not to exceed \$9,370,000 to finance and refinance the TIF Projects related to the Kettle Point Project; and**

**WHEREAS, TIF Bonds will be payable solely from "project revenues" as defined in the Tax Increment Financing Act; and**

**WHEREAS, project revenues will include tax increments, bond proceeds and special assessments; and**

**WHEREAS, it is intended that special assessments will be properly imposed on land and improvements comprising the Kettle Point Project and serve as additional security for the TIF Bonds issued for the benefit of the Kettle Point Project, such special assessments to be paid over the term of any TIF Bonds issued for the benefit of the**

**Kettle Point Project; and**

**WHEREAS, the tax increment revenues will be a credit to the payment of special assessments, all as provided in the Assessment Plan as approved by the Waterfront Commission, and further described herein; and**

**WHEREAS, project revenues do not include general funds of the City; WHEREAS, the TIF Bonds will be special obligations of the City payable solely from project revenues; and**

**WHEREAS, the City wishes to amend the Project Plan to permit the development of the Kettle Point area by C&B, and approve the special assessment in the District as approved by Waterfront Commission for the purposes set forth above.**

**NOW THEREFORE, the City Council of the City of East Providence hereby makes the following findings, determinations and declarations with regard to the East Providence Waterfront Special Development District Tax Increment Financing Plan, including Amendment No. 1 (as so amended, the “Amended Project Plan”), which findings are required by Sections 45-32-13 through 45-32-18, Section 45-32-20 and Section 45 33.2 4(1) and (5) of the Rhode Island General Laws:**

**1. The Redevelopment Plan and the Amended Project Plan are feasible and conform to the comprehensive plan for the City of East Providence, and if carried out would promote the public health, safety, morals and welfare of the community, and would effectuate the purposes of the Redevelopment Act.**

**2. The source of funds for carrying out the TIF Projects as provided in the Redevelopment Plan and the Amended Project Plan shall be**

**proceeds from the sale of TIF Bonds issued by the City of East Providence and any other legally available revenues contemplated by the Redevelopment Plan and Project Plan.**

**3. The Redevelopment Plan does not directly result in changes to streets except for the extension and construction of a portion of Waterfront Drive, the entrance features at Lyon Avenue, the construction of Kettle Point Loop Road, the construction of the road extending to the new parking area for the East Bay Bike path, the relocation of existing curb cuts on Veterans Memorial Parkway and internal roads within the Kettle Point Project.**

**4. The Redevelopment Plan and Amended Project Plan do not presently provide for acquisition by the City of property by negotiation or by eminent domain.**

**5. The Redevelopment Plan contemplates financial aid from the federal government.**

**6. The Redevelopment Plan provides for the retention of controls and the establishment of any restrictions or covenants which may run with the real property sold, leased, or otherwise disposed of for private or public use as are necessary to effectuate the purposes of the Redevelopment Act.**

**7. The findings of fact regarding “blighted and substandard conditions” set forth in the Redevelopment Plan are hereby accepted.**

**Based on those findings of fact, the Redevelopment Area is hereby found to be a "blighted and substandard area" as that term is defined in Section 45-31-8 of the Redevelopment Act and requires clearance, replanning, redevelopment, rehabilitation and improvement.**



**8. That the Project Area would not by private enterprise alone, and without either governmental subsidy or the exercise of governmental powers, be developed or revitalized in a manner so as to prevent, arrest, or alleviate the spread of blight or decay.**

**9. That the Amended Project Plan will afford maximum opportunity to privately financed development or revitalization consistent with the sound needs of the City as a whole.**

**10. The facilities and other assistance are needed and that the financing of the project in accordance with the Amended Project Plan is in the public interest.**

**11. There is not within the City an adequate supply of low rent housing for persons or families of low income available for rents they can afford to pay, the rents which those persons or families can afford to pay would not warrant private enterprise providing housing for them, and the financing of public improvements in accordance with the Amended Project Plan is in the public interest.**

**12. The City Council intends that the Project Area be redeveloped in accordance with the City's Redevelopment Plan and Comprehensive Plan and intends that such redevelopment promote the health, safety and welfare of the City.**

**13. Unemployment or the threat of unemployment exists in the City, and it is expected that the Amended Project Plan will create approximately 10 permanent and 757 temporary full-time equivalents jobs. It is expected that wages and benefits from such job will be comparable to current market rates resulting in increased personal income tax for the State of Rhode Island.**

**NOW THEREFORE, the City of East Providence ordains as follows:**

**SECTION 1. The Kettle Point Special Development Sub-district is designated as a project area for the purposes of the Tax Increment Financing Act. The Redevelopment Plan is the official redevelopment plan for the Project Area. The Amended Project Plan, incorporated herein by reference, is adopted and approved as a project plan pursuant to chapter 45-33.2 of title 45 of the Rhode Island General Laws. The public improvements shall be in the Project Area, and shall be identified as "Kettle Point TIF Project Number 2013-1."**

**SECTION 2. There is hereby authorized, subject to Section 8 hereof, the issuance of special obligation bonds and/or bond anticipation notes pursuant to the Tax Increment Financing Act in an aggregate outstanding amount not to exceed \$9,370,000 to finance the TIF Projects contained in the Amended Project Plan relating to the Kettle Point Project (the "Bonds").**

**SECTION 3. The Bonds shall be issued for the purpose of carrying out any project or projects described in the Amended Project Plan including the TIF Projects. Without limiting the generality of the foregoing the Bonds shall be issued for TIF Project costs, which may include interest prior to and during the carrying out of any such project and for a reasonable time thereafter, such costs, reimbursements and reserves as may be required by any agreement or arrangement securing the Bonds, and all other expenses with respect thereto, including, without limitation, reimbursement of expenses previously paid from any other source, incidental to planning, carrying out and financing any such project.**

**SECTION 4.** The Bonds shall be payable solely from "project revenues" including tax increment as defined in the Tax Increment Financing Act and shall not be deemed to be a pledge of the faith and credit or the taxing power of the City.

**SECTION 5.** The City hereby pledges not more than 60% of the tax increment resulting from the Project Area to the repayment of the Bonds. Notwithstanding anything contained herein to the contrary, the debt service on the Bonds shall not exceed 50% of the estimated tax increment supporting the Bonds.

**SECTION 6.** Each of the Bonds shall recite on its face that it is a special obligation bond or bond anticipation note, as the case may be, payable solely from "project revenues" as defined in the Tax Increment Financing Act pledged for its repayment.

**SECTION 7.** The Bonds shall be dated and may be made redeemable before maturity with or without premium. The Bonds may be issued in one or more series. The Authorized Officers defined below shall determine the terms, details and manner of sale and other conditions of the Bonds and the security structure therefor for each issue of Bonds in accordance with the Tax Increment Financing Act and the Amended Project Plan, including the manner in which tax increment received and to be received under the Tax Increment Financing Act and the Amended Project Plan and other "project revenues" under the Act shall be escrowed, pledged or otherwise used to secure any such Bonds issue, and shall also determine the date or dates of the Bonds, their denomination or denominations, the place or places of payment of the principal and interest thereon, which may be at any

bank or trust company within or without the state, their interest rate or rates, maturity or maturities, redemption privileges, if any, and the form and other details of the Bonds.

**SECTION 8.** The Mayor, the City Manager and the Director of Finance (the “Authorized Officers”) are authorized to negotiate and determine the terms and provisions of such documents required for the sale and issuance of the Bonds and the documents required to complete the TIF Projects described in the Amended Project Plan, including a Development Agreement, Trust Indenture, Series Indenture and Bond Purchase Agreement and other necessary documents and certificates and any two of such Authorized Officers, acting jointly, are hereby authorized to execute and deliver such documents.

**SECTION 9.** The Authorized Officers are authorized to prepare and deliver an Official Statement or Preliminary Limited Offering Memorandum, if required, in connection with the sale of the Bonds.

**SECTION 10.** The Bonds shall be signed by the Director of Finance, shall be countersigned by the Mayor, either manually or by facsimile, and shall bear the seal of the City or a facsimile thereof.

**SECTION 11.** In case any officer whose signature or a facsimile of whose signature shall appear on any Bonds shall cease to be an officer before the delivery thereof, such signature or facsimile thereof shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until the delivery.

**SECTION 12.** The City may sell the Bonds in such manner, either at limited public or private sale, and for such price, as the Authorized Officers may determine will best effect the purposes of this ordinance

and the Tax Increment Financing Act.

**SECTION 13.** Notwithstanding any provisions of any general or special law to the contrary, Bonds issued under the Tax Increment Financing Act and hereunder may provide for annual or more frequent installments of principal in equal, diminishing, or increasing amounts, with the first installment of principal to be due at any time within five (5) years from the date of the issuance of the bonds and the last installment of principal to be due not later than thirty-five (35) years from the date of the issuance of the Bonds.

**SECTION 14.** The Authorized Officers are authorized to execute and deliver a Continuing Disclosure Certificate in connection with the Bonds, in such form as shall be deemed advisable by the Authorized Officers. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate, as it may be amended from time to time. Notwithstanding any other provision of this Ordinance or the bonds or bond anticipation notes, failure of the City to comply with any Continuing Disclosure Certificate shall not be considered an event of default under such bonds or bond anticipation notes; however, any bondholder or noteholder may take such actions as may be necessary and appropriate, including seeking mandate or specific performance by court order, to cause the City to comply with its obligations under this Section and under each Continuing Disclosure Certificate.

**SECTION 15.** From and after the issuance of the Bonds, any two of the Authorized Officers, acting jointly, are authorized to execute and

deliver other documents, certificates, agreements and amendments thereto, in furtherance of the development of the TIF Projects in such forms as said officers deem advisable, consistent with the best interests of the City, the execution and delivery thereof by any two of such Authorized Officers to be conclusive evidence of such approval.

**SECTION 16.** The City Council hereby accepts and approves the Kettle Point City of East Providence, Rhode Island East Providence Waterfront Special Development District Commission Assessment Plan (the "Assessment Plan") as heretofore adopted by the Waterfront Commission in accordance with chapter 345 of the public laws of 2003.

**SECTION 17.** The execution and delivery of an Assessment Pledge Agreement are hereby authorized. Any two of the Authorized Officers, acting jointly, are hereby authorized to execute, acknowledge, and deliver the Assessment Pledge Agreement in such form as may be approved by said Authorized Officers, the execution and delivery thereof by such Authorized Officers to be conclusive evidence of such approval.

**SECTION 18.** This ordinance shall take effect upon passage.

**Requested By: City Manager**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

## **F. Communications**

1. Anthony Ferreira, 44 Brightridge Avenue requesting to address the Council regarding school construction updates.

## **X. ADJOURNMENT**

**Motion\_\_\_By\_\_\_2nd\_\_\_**

**Capobianco\_\_\_Cunha\_\_\_Rossi\_\_\_Rose\_\_\_Briden\_\_\_**

**\* Any items listed on the Council Docket may be subject to a vote.**

**\*If communications assistance is needed or any other accommodations to ensure equal participation please contact the City Clerk's Office at 435-7590.**